

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

IN RE: ALL YOU, LLC

**CASE NO. 5:10-bk-74049
Chapter 11**

ORDER

Now before the Court is Debtor All You, LLC's (hereinafter referred to as the "Debtor") Chapter 11 Plan Dated May 20, 2011 (Doc. 156) and Secured Creditor First Security Bank's (hereinafter referred to as "First Security") objection thereto; First Security's Chapter 11 Plan Dated May 25, 2011 (Doc. 160) and Debtor's objection thereto; First Security's Motion for Contempt (Doc. 235); First Security's Motion to Convert Chapter 11 to Chapter 7 (Doc. 142); and Debtor's Motion for Approval to Use Insurance Proceeds for Repairs (Doc. 243). Debtor appeared by and through its Counsel, BLAIR, BRADY & HENSON, and First Security appeared by and through its Counsel, MILLAR JILES CULLIPHER, LLP. Based upon the pleadings filed herein, the testimony and evidenced introduced at hearing, and the arguments of counsel, the Court finds and orders as follows:

1. Pursuant to Fed. R. Bankr. P. 7052 and 9014, the Court's findings of fact and conclusions of law announced from the Bench on September 22, 2011 are incorporated herein by reference.

2. Confirmation of Debtor's Chapter 11 Plan dated May 20, 2011 is **DENIED**.

3. It having been determined after hearing on notice that the requirements for confirmation set forth in 11 USC § 1129(b) have been satisfied, First Security's Chapter 11 Plan dated May 25, 2011, is hereby **CONFIRMED**. The automatic stay is hereby relaxed as to the real property (hereinafter referred to as the "Real Property") described in First Security's Chapter 11 Plan and the Real Property is hereby abandoned such that First

Security may liquidate the Real Property in accordance with the terms of the Chapter 11 Plan dated May 25, 2011.

4. The claims bar date as more fully described in First Security's Chapter 11 Plan dated May 25, 2011 shall be November 25, 2011.

5. The Debtor shall be responsible for payment of all fees required by 28 USC §1930(a)(6) and shall continue to file monthly financial reports for each month that this case remains open.

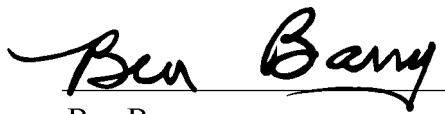
6. First Security's Motion for Contempt is hereby **GRANTED**. The Court finds that the Debtor is in contempt of this Court's Order on Use of Cash Collateral and Motion for Relief from Stay (Doc. 42); however, the Court further finds that the Debtor's contempt was not wilful or malicious and therefore declines to impose any sanctions.

7. First Security's Motion to Convert Chapter 11 to Chapter 7 is hereby **WITHDRAWN** as moot on the motion of First Security.

8. Debtor's Motion to Use Insurance Proceeds for Repairs is **DENIED** in part. The Court finds that Six Thousand and No/100 Dollars (\$6,000.00) in insurance proceeds remains for disbursement.

The remaining Six Thousand and No/100 Dollars (\$6,000.00) in insurance monies shall be paid to First Security subject to claims for repair expenses.

IT IS SO ORDERED.

 JUDGE
Ben Barry
United States Bankruptcy Judge
Dated: 09/26/2011

DATE

PREPARED BY:

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